

FILED

JUN 28 2017

U.S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROLF ERICK RATHMANN,

a/k/a, "Hi,"

Defendant.

No.

4:17CR292 SNLJ/NAB

INDICTMENT

COUNT I

The Grand Jury charges that:

At all times pertinent to the charges in this indictment:

1. Federal law defined the term:

(a) "minor" to mean any person under the age of eighteen years (18 U.S.C. § 2256(a));

(b) "sexually explicit conduct" to mean actual or simulated

(I) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex,

(ii) bestiality,

(iii) masturbation,

(iv) sadistic or masochistic abuse, or

(v) lascivious exhibition of the genitals or pubic area of any person (18 U.S.C.

§2256(2)(A)); and

(c) "computer" to mean an electronic, magnetic, optical, electrochemical or other high speed data processing device performing logical, arithmetic or storage functions, including any data storage facility or communications facility directly related to or operating in conjunction with such device. (18 U.S.C. §2256(6)).

(d) "child pornography" to mean any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where--

(A) the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct; or

(C) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct.

2. The "Internet" was, and is, a computer communications network using interstate and foreign lines to transmit data streams, including data streams used to store, transfer and receive graphic files.

3. On or about November 21, 2003, Rolf Erick Rathmann was convicted of eight (8) counts of Statutory Sodomy in the second degree, a felony, involving a minor male, in State of Missouri v. Rolf E. Rathmann, cause number 2012R-06180-01, St. Louis County Circuit Court, State of Missouri.

4. Between on or about November 20, 2015, to on or about November 2, 2016, within the Eastern District of Missouri and elsewhere,

ROLF ERICK RATHMANN, a/k/a., Hi,

the Defendant herein, did knowingly access with the intent to view material that contained images and videos of child pornography that has been mailed, or shipped, or transported using any means and facility of interstate and foreign commerce; that is, defendant used a HP laptop computer and the internet, which is a means and facility of interstate and foreign commerce, to access internet-based video conferencing to view images and videos of child pornography, including, but not limited to the following:

- a. A video that depicted, in part, a male engaging in anal intercourse with a minor male and a minor male performing oral sex on a male;
- b. A video that depicted, in part, a male performing oral sex on a minor male;

In violation of Title 18, United States Code, Sections 2252A(a)(5)(B).

A TRUE BILL.

FOREPERSON

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